

TOWN OF BROOKFIELD

NOISE ORDINANCE

§242-602. Technical Standards.

A. Noise Pollution:

(1) **Purpose:** It is the intention of this Section to carry out and effectuate the public policy of the State of Connecticut, the Federal Government and the Town of Brookfield concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the Town of Brookfield. It is recognized that excessive noise is a serious hazard to the health, welfare and quality of life of all citizens and that each person has a right to an environment free from noise that may jeopardize their health, safety or welfare.

(2) **Definitions:** The following definitions shall apply in the interpretation and enforcement of this Section.

(a) *Residential Zone* – Those areas designated for residential use in the Zoning Regulations of the Town of Brookfield.

(b) *Commercial Zone* – Those areas designated for commercial use in the Zoning Regulations of the Town of Brookfield.

(c) *Industrial Zone* – Those areas designated for industrial use in the Zoning Regulations of the Town of Brookfield.

(d) *Daytime Hours* – Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

(e) *Night Time Hours* – The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that “Night Time Hours” shall mean the hours between 7:30 p.m. Saturday and 10:00 a.m. on Sunday and 7:30 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

(f) *Emergency* – Means any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

(g) *Intrusion Alarm* – Means a device with an audible signal which, when activated, indicates intrusion by an unauthorized person. Such alarm may be attached to, or within, a building, structure, property or vehicle.

(h) *Lawn Care and Maintenance Equipment* – means all engine or motor-powered garden or maintenance tools intended for occasional use in residential districts, typically capable of being used by a homeowner, including, but not limited to, lawn mowers,

riding tractors, snowblowers, and including equipment intended for infrequent service work in inhabited areas, typically requiring skilled operators, including, but not limited to, chainsaws, log chippers or paving rollers.

(i) *Decibel* – Means a unit of measurement of the sound level.

(j) *Person* – Means any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the State or other legal entity of an kind.

(k) *Premises* – Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person.

(l) *Property Line* – That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right of way.

(m) *Sound* – Means a transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

(n) *Sound Level Meter* – Means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The Sound Level Meter shall conform to the ANSI Specifications for Sound Level Meters S1.4-1971.

(o) *Impulse Noise* – Means noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

(p) *Motor Vehicle* – Shall be given that meaning which is provided for by Connecticut General Statutes § 14-1(a)(47).

(q) *Background Noise* – Shall mean noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

(r) *Excessive Noise* – Shall mean any sound, the intensity of which exceeds the standard set forth in Subsection (3) of this Section.

(3) Noise Levels and Guidelines: Noise zones within the Town of Brookfield shall be classified according to the zoning applicable to the parcel or tract of land from which noise is emitted and the surrounding parcels or tracts on which noise is received; provided that any parcel whose use is lawfully nonconforming to its zone at the time this ordinance is enacted shall be classified for noise emission purposes according to the zone appropriate for the nonconforming use. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the

boundaries of his/her premises in excess of the noise levels established in this Subsection. Measurements shall be taken at a point that is located approximately one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises includes his/her individual unit of land or ground or contiguous parcels under the same ownership, as indicated by the public land records.

Zone in Which Emitter is Located	Zone in Which Receptor is Located			
	Industrial	Commercial	Residential/ Daytime Hours	Residential/ Night Time Hours
Industrial	65dBA	60dBA	55dBA	45dBA
Commercial	60dBA	60dBA	55dBA	45dBA
Residential	55dBA	55dBA	55dBA	45dBA

No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the night time to any residential zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time to any zone.

A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation. Instruments used to determine sound level measurements shall be sound level meters as defined by this Section.

(4) High Background Noise Areas. In those individual cases where the background noise levels caused by sources not subject to this Section exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise level by 5 dBA, provided that no source subject to the provisions of Subsection 3 shall emit noise in excess of 80 dBA at any time, and provided that this Subsection does not decrease the permissible levels set forth in any other Subsection of this Ordinance.

(5) Exclusions: Maximum noise levels established pursuant to Subsection (3) hereof shall not apply to any noise emitted by or related to:

- (a) Natural phenomenon.
- (b) Any bell or chime from any building clock, school or church.
- (c) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation. This exclusion does not include, however, intrusion alarms attached to any building, structure, or property not terminating within thirty (30)

minutes after being activated or any intrusion alarm attached to a vehicle not terminating within ten (10) minutes after being activated. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.

(d) Warning devices required by OSHA or other State or Federal Safety Regulations.

(e) Noise created as a result of an emergency, including, but not limited to, the use of emergency generators.

(f) Noise created by lawn care and maintenance equipment utilized during daytime hours as that term is defined in this Section provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.

(g) Activities specially licensed or under permit from the Town of Brookfield, including, but not limited to, parades, sporting events, concerts and firework displays. This exclusion applies only if noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noise therefrom. Moreover, patriotic or public celebrations may not extend longer than one calendar day.

(h) Noise from snow removal equipment, provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.

(i) Utility maintenance, including, but not limited to, the removal of fallen trees and the installation and repair of utility wires and poles.

(j) Town of Brookfield construction, road repair, and tree removal operations.

(k) The repair of buildings owned by the Town of Brookfield.

(l) Activities conducted by the Town of Brookfield in a governmental capacity or the State of Connecticut or by the government of the United States.

(6) Motor Vehicle Noise:

(a) All motor vehicles operated within the limits of the Town of Brookfield shall be subject to the noise standards and decibel levels set forth by Connecticut General Statutes §§ 14-80 and 14-80a and the Regulations issued thereunder.

(b) No sound amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in Subsection (3) hereof.

(7) Penalties: Any person in violation of any of the provisions of this Section shall be fined in the amount of twenty-five dollars (\$25.00) for their first violation; fifty dollars (\$50.00) for a subsequent violation occurring within thirty (30) days of their first violation; and

seventy-five dollars (\$75.00) for any subsequent violation occurring within thirty (30) days of any previous violations not including their first violation occurring pursuant to this subsection. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

(8) **Enforcement:** The Brookfield Police Department shall enforce the provisions of this Section pertaining to the measurement of noise levels and the issuance of notices of violation.

(9) **Variances:** Any person living or doing business within the Town of Brookfield may apply for a variance from one or more of the provisions of this Section in accordance with the procedures established by this Chapter. No variance shall be issued unless it has been demonstrated that the proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations as set forth in § 22a-69 et seq.

(10) **Severability.** If, for any reason, any word, clause, paragraph, or subsection of this Ordinance shall be held to make the same unconstitutional or superceded by any State law or regulation, this Ordinance shall not thereby be invalidated and the remainder of the Ordinance shall continue in effect.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PUBLICATION, OR APPROVAL OF THE ORDINANCE BY THE STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, WHICHEVER SHALL LATER OCCUR.

Adopted by the Board of Selectmen of the Town of Brookfield on July 16, 2001.

Martin J. Foncello, Jr.

Barton Conant

John Osborne

Board of Selectmen of the Town of Brookfield